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[Proposed] Co-Lead Counsel for Plaintiffs

[Additional counsel appear on signature page.]

E-FILED - 1/22/07

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

ROBERT LYNCH, Derivatively on Behalf of)
FINISAR CORPORATION,)

Plaintiff,)

vs.)

JERRY S. RAWLS, et al.,)

Defendants,)

– and –)

FINISAR CORPORATION, a Delaware)
corporation,)

Nominal Defendant.)

No. C-06-07660-RMW

STIPULATION AND [] ORDER
REGARDING ADMINISTRATIVE
MOTION TO CONSIDER WHETHER
CASES SHOULD BE RELATED

[Caption continued on following page.]

WHEREAS, the parties believe that the actions *Lynch v. Rawls, et al.*, C-06-07660-RS, filed December 14, 2006, *Short v. Rawls, et al.*, C-06-07661-RMW, filed December 14, 2006, and *City of Worcester¹ Retirement System v. Rawls, et al.*, C-06-07848-RS, filed December 22, 2006, all involve substantially similar questions of law and fact;

WHEREAS, this Court has already related the *Lynch* and *City of Worcester* Actions in the Related Case Order issued January 3, 2007;

WHEREAS, the parties believe the *Short* Action is a “related case” to the *Lynch* and *City of Worcester* Actions under Northern District of California Civil Local Rule 3-12(a); and

WHEREAS, the parties believe that treatment of all three Actions as related would serve the interests of judicial economy and avoid the potential for conflicting rulings.

IT IS HEREBY STIPULATED AND AGREED that *Lynch v. Rawls, et al.*, C-06-07660-RS, *Short v. Rawls, et al.*, C-06-07661-RMW, and *City of Worcester Retirement System v. Rawls, et al.*, C-06-07848-RS, should all three be deemed related.

IT IS SO STIPULATED.

DATED: January 11, 2007

LERACH COUGHLIN STOIA GELLER
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/s/
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¹ Due to a typographical error, the initial complaint misspelled Worcester as Worchester.

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Counsel for Plaintiffs Lynn Short and Robert
Lynch and [Proposed] Co-Lead Counsel for
Plaintiffs

10 DATED: January 11, 2007

11 SAXENA WHITE P.A.
12 MAYA SAXENA
13 JOSEPH E. WHITE

14 /s/
15 MAYA SAXENA

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20 Counsel for Plaintiff City of Worcester
21 Retirement System and [Proposed] Co-Lead
22 Counsel for Plaintiffs

23 I, Aelish M. Baig, am the ECF User whose ID and password are being used to file this
24 STIPULATION AND [PROPOSED] ORDER REGARDING ADMINISTRATIVE MOTION TO
25 CONSIDER WHETHER CASES SHOULD BE RELATED. In compliance with General Order 45,
26 X.B., I hereby attest that Maya Saxena has concurred in this filing.

27 DATED: January 11, 2007

28 DLA PIPER
DAVID A. PRIEBE

/s/
DAVID A. PRIEBE

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Attorneys for Defendants

1 I, Aelish M. Baig, am the ECF User whose ID and password are being used to file this
2 STIPULATION AND [PROPOSED] ORDER REGARDING ADMINISTRATIVE MOTION TO
3 CONSIDER WHETHER CASES SHOULD BE RELATED. In compliance with General Order 45,
4 X.B., I hereby attest that David A. Priebe has concurred in this filing.

5 * * *

6 **ORDER**

7 Having considered the parties' Stipulation, and good cause appearing, the Court hereby
8 GRANTS the parties' Stipulation.

9 IT IS SO ORDERED.

10 DATED: ____ 1/22/07 ____

Ronald M. Whyte

11 THE HONORABLE RONALD M. WHYTE
12 UNITED STATES DISTRICT JUDGE

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CERTIFICATE OF SERVICE

I hereby certify that on January 11, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

/s/

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Mailing Information for a Case 5:06-cv-07660-RS

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

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Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

- (No manual recipients)